

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
(ATLANTA DIVISION)**

**UNITED STATES SECURITIES
AND EXCHANGE COMMISSION,**

Plaintiff,

v.

RUSSELL TODD BURKHALTER,

Defendant.

Civil No. 1:24-cv-3583-VMC

**PLAINTIFF’S MOTION FOR ENTRY OF JUDGMENT
AGAINST DEFENDANT RUSSELL TODD BURKHALTER**

Plaintiff United States Securities and Exchange Commission (“SEC”) respectfully asks that the Court enter the attached judgment against Defendant Russell Todd Burkhalter (“Burkhalter”). In support of this motion, the SEC states as follows:

1. On August 13, 2024, the SEC filed suit against Burkhalter, Drive Planning, LLC, and several Relief Defendants. (ECF No. 1.) In the Complaint, the SEC alleged that Burkhalter committed violations of the federal securities laws. *Id.*
2. Burkhalter has agreed to a bifurcated resolution of the SEC’s claims against him. (*See* Ex. 1 (Consent of R. Burkhalter).)

3. Under the terms of the bifurcated settlement, Burkhalter consents to the entry of the attached judgment that, among other things, imposes permanent injunctive relief now prohibiting Burkhalter from violating Section 17(a) of the Securities Act of 1933 (“Securities Act”); Section 10(b) of the Securities Exchange Act of 1934 (“Exchange Act”); and Rule 10b-5 thereunder. (*See* Ex. 2 (Judgment as to R. Burkhalter).) The judgment also imposes an officer and director bar against Burkhalter. (*Id.*)

4. In addition, the judgment against Burkhalter contemplates a future determination of the SEC’s claims for monetary relief, including disgorgement, prejudgment interest, and civil penalties, following the filing of a motion by the SEC and the opportunity of Burkhalter to be heard on the matter. (*Id.*) Before any such motion is filed, however, the SEC and Burkhalter will endeavor to resolve the SEC’s claims for monetary relief without further intervention of the Court.

5. The current motion does not impact the other parties to this action or alter the orders previously issued by the Court in this matter, including the appointment of a Receiver over Drive Planning, LLC and the asset freeze imposed by the Court.

Dated: April 8, 2025

Respectfully submitted,

/s/ Harry B. Roback

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CERTIFICATION OF COMPLIANCE

This is to certify that the foregoing was prepared using Times New Roman 14 point font in accordance with Local Rule 5.1 (B).

/s/ Harry B. Roback
Harry B. Roback

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2025, the foregoing was served on counsel for Defendants and the Relief Defendants using the Court's ECF system.

/s/ Harry Roback

Harry Roback

Senior Trial Counsel

Securities and Exchange Commission